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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KALINOWSKI, ALEXANDER G

ART UNIT PAPER NUMBER

3627

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/769,526

Applicant(s)

YOUNG ET AL.

Examiner

Alexander Kalinowski

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-11, 13-17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-5, 7-11, 13-17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/25/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-5, 7-11, 13-17 and 19-20 are presented for examination. Applicant filed an amendment on 11/15/2004 amending claims 1, 2, 7, 8, 13, and 14. Applicant further filed a response to an election requirement on 3/23/2005, electing claims 5, 11, and 17 and canceling claims 6, 12, and 18. New grounds of rejection of claims 1-5, 7-11, 13-17 and 19-20 are set forth in detail below.

Election/Restrictions

2. Applicant's election of claims 5, 11, and 17 in the reply filed on 3/23/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 7-10, and 13-16 and are rejected under 35 U.S.C. 102(b) as being anticipated by Agency Assistant Client Management System (hereinafter Agency Assistant).

Art Unit: 3626

As to claims 1, 7 and 13, Agency Assistant discloses A method for enabling interactive access to and verification of agent commission information using a data processor, said method comprising the steps of:

receiving agent identifying information and agent commission information, wherein said agent identifying information comprises at least one selected from the group consisting of a name, an address, and a telephone number (see pages 1-4 and window screen shot on page 4);

analyzing and sorting the received agent identifying information and agent commission information (pages 1-2);

saving the agent identifying information and the agent commission information (pages 1-2);

providing an interactive display of the agent identifying information and the agent commission information (page 4);

providing interactive access to a display of detailed agent identifying information (page 1 and page 4); and

providing interactive access to a display of detailed agent commission information (page 4).

As to claims 2, 8, and 14, Agency Assistant discloses The method, wherein said agent identifying information further comprises:

a writing code (page 4)

As to claims 3, 9, and 15, Agency Assistant discloses The method, wherein said detailed agent commission information comprises:

policy information; and commission detail information (page 1 and page 4).

As to claim 4, 10, and 16, Agency Assistant discloses The method, wherein said policy information comprises:

a policy number (page 4);

a client name (page 4);

a product name (page 4);

a company name (page 4); and

an issue date (page 4).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 11, and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Agency Assistant as applied to claims 1, 7 and 13 above, and further in view of Applicant's admission of the prior art.

As to claims 5, 11 and 17, Agency Assistant does not explicitly disclose The method wherein said commission detail information comprises:

an estimated commission processing date for a commission;

a face amount of a policy;

a premium for a policy;

a mode for the premium of a policy; and
an issue age of a policy

However, Agency Assistant discloses printing agent statement and management reports showing agency net commission on a policy by policy basis (page 2). In addition, Agency Assistant discloses windows that discloses information on policies for an agent including face amount of a policy and issue age for a policy (page 4). The same information would be available for display in the commission tracking display since Agency Assistant discloses net commissions on a policy by policy basis. Furthermore, Applicant admits that these limitations are used in general to determine commissions for agents (page 2 of the specification). Therefore, it would have been obvious to include the aforementioned limitations within Agency Assistant for the motivation of displaying information that is available and displayed in other windows. In addition, although the limitations of an estimated commission processing date for a commission, a premium for a policy, and a mode for the premium of a policy are not explicitly disclosed, the limitations represent information admitted by Applicant as known in the prior art when determining agent commissions. Therefore, it would have been obvious to one of ordinary skill at the time of Applicant's invention to include the aforementioned limitations within Agency Assistant for the motivation of displaying information relevant to agents when determining their commissions.

7. Claims 19 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Agency Assistant as applied to claims 1 and 7 above, and further in view of Examiner's use of official notice.

As to claims 19 and 20, Agency Assistant does not explicitly disclose agent identifying information including an address and a telephone number. However, the Examiner takes official notice that it was well known in the electronic arts to ask for additional identifying information from users when accessing electronic sites for information. The motivation for requiring additional information was to add additional layers of security particularly in highly sensitive areas such as insurance. It would have been obvious of one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitations within Agency Assistant for the motivation stated above.

Response to Arguments

8. Applicant's arguments with respect to claims 1-5, 7-11, 13-17 and 19-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. "VA fees discounted via front loading" discloses agents having access to customer and business information including commission tracking.
- b. "Penn Treaty American Corporation Launches on Line Resource Center" discloses a web site that permits agents to track commissions.
- c. Pub. No. 2002/0055862 discloses an agent interface for a commercial insurance risk system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski whose telephone number is (571) 272-6771. The examiner can normally be reached on Monday to Wednesday, 9:00 am to 6:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alexander Kalinowski
Primary Examiner
Art Unit 3626

6/12/2005